



FREDERICK COUNTY PLANNING COMMISSION

December 11, 2019

TITLE: Kingsbrook PUD - Lots C1 and C2

FILE NUMBER: S-957, AP 19826, APFO 19827, FRO 19828

REQUEST: **Combined Preliminary/Final Plat Approval**
The Applicant is requesting Combined Preliminary/Final Plat approval to subdivide a 15.225 acre site into 2 lots.

PROJECT INFORMATION:

LOCATION: 5312 New Design Road, north of Corporate Drive
ZONE: Planned Unit Development (PUD)
REGION: Frederick
WATER/SEWER: W-1/S-1
COMP. PLAN/LAND USE: Medium Density Residential

APPLICANT/REPRESENTATIVES:

APPLICANT: Ballenger Creek Partners, LLC c/o Vanguard Equities, Inc.
OWNER: Ballenger Creek Partners, LLC c/o Vanguard Equities, Inc.
ENGINEER: Harris Smariga and Associates, Inc.
ARCHITECT: N/A
ATTORNEY: N/A

STAFF: Graham T. Hubbard, Principal Planner I

RECOMMENDATION: Conditional Approval

ATTACHMENTS:

Exhibit 1 – Combined Preliminary/Final Plat Rendering

STAFF REPORT

ISSUE

Development Request

The Applicant is requesting Combined Preliminary/Final Plat approval to subdivide a 15.225 acre site into 2 lots. The site contains an existing shopping center known as “Kingsbrook Crossing”.

Figure #1: Site Aerial

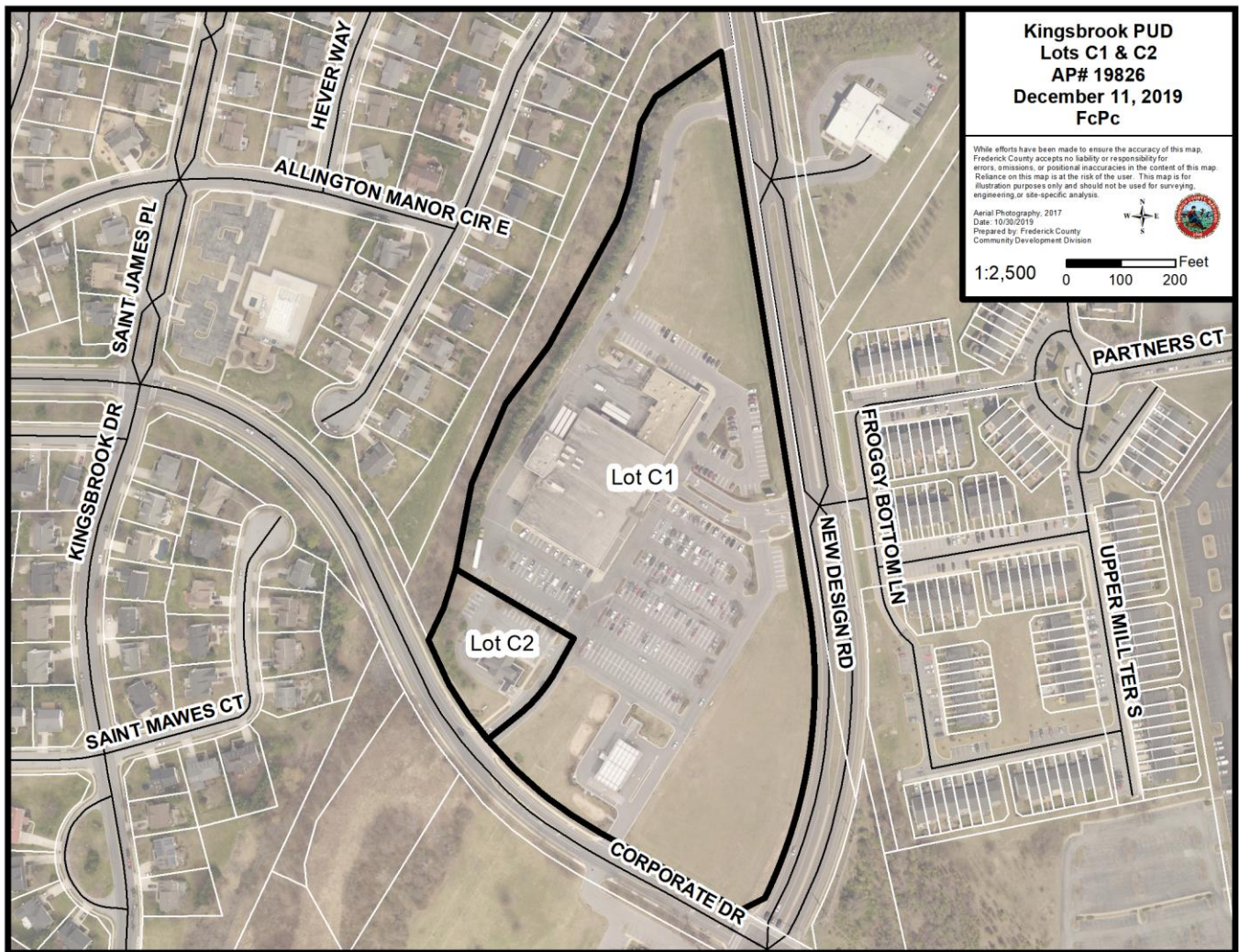


Figure #2: Aerial looking north from intersection of New Design Road and Corporate Drive



Figure #3: Aerial looking west from New Design Road toward Corporate Drive



BACKGROUND

Development History

The original Phase II Plan for Kingsbrook PUD was approved in December 1998 for 932 residential units, 12 acres of commercial land, and 16 acres of office. Since that original Phase II Plan approval there have been several Phase II Plan revisions approved by the Planning Commission (PC). The residential portion is fully built and occupied. A significant portion of the commercial and office areas are built, with the Giant shopping center being the predominant commercial development.

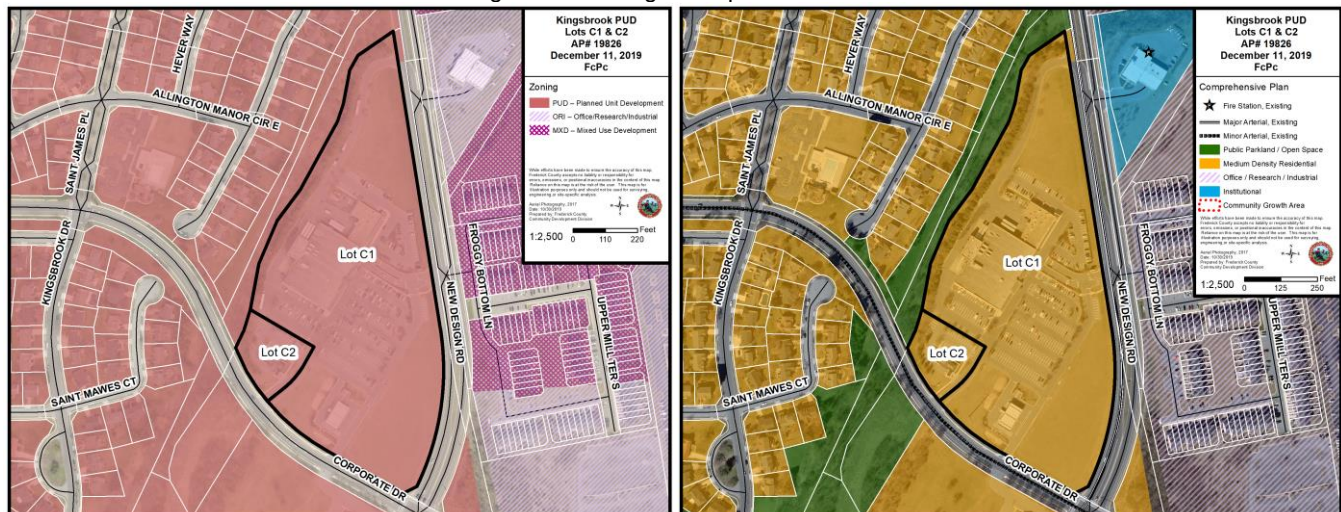
- In 1996, 1997, and 2005, the PC approved revisions to the commercial and office portion of the Phase II Plan.
- In 2002, a Plat of Public Taking (PB. 72, PG.188) entitled “Kingsbrook PUD” created the 15-acre lot due to the realignment of New Design Road.
- On January 12, 2005, the PC approved a Combined Site Plan/Phase II Plan (AP 2712) to revise the use of a 2.4 acre area on the north end from Office to Daycare/Office.
- On November 14, 2007, the PC approved a Combined Preliminary/Final Plat (AP 6897) and Site Plan Application (AP 6591) for a slightly larger Daycare/Office building on a 2.4 acre lot. However, this plat was never recorded and the development project was shelved during the recession. Both the Combined Preliminary/Final Plat and Site Plan applications have expired.

Existing Site Characteristics

The site is known primarily as the Kingsbrook Crossing Shopping Center, with the Giant as the primary anchor store. Other typical strip mall uses are present, such as a hair salon, dry cleaners, nail salon, pizza parlor, and an animal hospital. Several pad sites such as the Giant gas station and the vacant Chevy Chase bank. The proposed subdivision would create a separate lot (Lot C2) for the vacant Chevy Chase bank site.

The property is bordered to the north and west by the residential portion (Section VII) of Kingsbrook PUD. Additional commercial lots within the Kingsbrook PUD are situated to the south, across Corporate Drive. To the east, across New Design Road, is the mixed-use development of Westview Park and the Westview Fire Station.

Figure #2: Zoning / Comprehensive Plan



ANALYSIS

Summary of Development Standards Findings and Conclusions

- The existing structures and parking layout of the Kingsbrook Shopping Center lends itself suitably to the proposed subdivision.
- Current driveway access and circulation patterns will be unaffected by the proposed subdivision.
- The resulting lot configuration meets all zoning and subdivision regulations.

A. ZONING ORDINANCE REQUIREMENTS

1. **Dimensional Requirements/Bulk Standards.** This Application meets and exceeds the minimum setback standards of the Phase II Plan, which are 25-foot front, 25-foot rear, and 8-foot side yards. No minimum lot size requirement was established by the Phase II Plan.

Zoning Ordinance Requirements Findings/Conclusions

The proposed subdivision will meet all Zoning Ordinance requirements.

B. SUBDIVISION REGULATION REQUIREMENTS

1. **Land Requirements §1-16-217(A):** *The land use pattern of the Comprehensive Plan and the district regulations of the zoning ordinance shall form the basic theme of the design pattern of the proposed subdivision.*
2. **Land Requirements §1-16-217(B):** *The subdivision design shall take advantage of the uniqueness of the site reflected by topography, soils, the wooded areas, water bodies and the relationship to adjoining subdivisions and land uses, both proposed and existing.*

The site is already developed. The proposed subdivision design will not impact the topography, soils, wooded areas, water bodies, or relationship to the existing adjoining subdivisions and land uses.

3. **Road Access Requirements. Public Facilities §1-16-12(B)(3)(b):** *For major subdivisions; Lots must access a publicly-maintained road with a continuously paved surface that is at least 20 feet in width.*

The site has existing access to New Design Road and Corporate Drive, both of which meet or exceed the minimum 20 foot wide travel way width requirement.

4. **Water and Sewer Facilities. Public Facilities §1-16-12 (C):** *The proposed subdivision shall be disapproved unless each building lot has been approved for individual and/or community sewerage and water facilities by the Health Department.*

The site is served by public water coming from New Design WTP and public sewer flowing into the Ballenger-McKinney WWTP.

Subdivision Regulation Requirements Findings/Conclusions

The project will meet all Subdivision Regulation requirements once all agency comments and conditions are met.

C. OTHER APPLICABLE REGULATIONS

APFO – Chapter 1-20:

1. **Schools.** This development is not a residential use and is therefore exempt from schools APFO testing.
2. **Water/Sewer.** This site is designated W-1/S-1 and currently has water and sewer.
3. **Roads.** The proposed subdivision of the existing structure and commercial use does not change the number of peak hour trips generated by the existing use.

Forest Resource Ordinance – Chapter 1-21: The Applicant submitted a FRO exemption. FRO is exempt per Section 1-21-7(N) for previously developed areas covered by impervious surface and located within a priority funding area.

Summary of Agency Comments

<i>Other Agency or Ordinance Requirements</i>	<i>Comment</i>
<i>Development Review Planning (DPZ):</i>	Conditional Approval
<i>DPDR Traffic Engineering</i>	Approved
<i>Div. of Util. & Solid Waste Mgt. (DUSWM):</i>	Approved
<i>Health Dept.</i>	N/A
<i>Forest Resource Ordinance (FRO):</i>	Approved
<i>Development Review Engineering (DRE):</i>	Conditional Approval
<i>Office of Life Safety</i>	N/A
<i>State Highway Administration (SHA):</i>	N/A
<i>Historic Preservation</i>	N/A

RECOMMENDATION

Staff has no objection to conditional approval of this Combined Preliminary/Final Plat to subdivide a 15.225 acre site into 2 lots. If the Planning Commission conditionally approves the plat, it is valid for a period of five (5) years from the date of Planning Commission approval (December 11, 2024).

Based upon the findings and conclusions as presented in the staff report, the application meets or will meet all applicable Subdivision, Zoning, APFO, and FRO requirements. Should the Planning Commission grant approval of this application (S-957, AP 19826), Staff recommends that the following items be added as conditions to the approval:

Staff-proposed conditions of approval:

1. The Applicant shall comply with all Staff and agency comments through the completion of the plan.

PLANNING COMMISSION ACTION
MOTION TO APPROVE

I move that the Planning Commission **APPROVE S-957 (AP 19826), including APFO approval, with conditions** as listed in the staff report for the proposed Combined Preliminary/Final Plat to subdivide a 15.225 acre site into 2 lots, based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.

Exhibit #1: Combined Preliminary/Final Plat Rendering

